NEW YORK CITY.

THE COURTS.

UNITED STATES COMMISSIONER'S COURT.

The Alleged Naturalization Frauds-The Great Judicial and Political Swindle of the Day - Startling Developments - Interesting

Before Commissioner Osborn. The United States vs. Benjamin B. Rosenberg. This case was called on for examination yesterday. The great notoriety given to the case-the particular time at which the disclosures connected with it have been brought to light within a few days of a national. State and county election—the earnestness with which the government prosecuting officer of the district, Mr. Samuel G. Courtney, proceeded to bring the whole case before the courts and the array of able counsel engaged for the defence-have all tended to invest the preliminary examination with a more than usual degree of interest and ectal. Long before the Commissioner took his seat the large Cir-cuit Court room was crowded in every part, within ad without the par, principally of a class often seen on particular occasions within and around the purlicus of the city courts, but rarely honoring the United States courts with their presence. The umber and talent of counsel engaged on either ide, and the certainty that in an examination touchig so closely upon political questions some interesting and exciting legal passages, à Voutrance, must follow, there was a large gathering of the legal fraernity within the arena, in anticipation of the great

Mr. Courtney, opening the case, said:-May it Mr. Courtney, opening the case, said:—May it please your Honor, I will not take up the time of the court in making any extended opening as to the line of testimony we will introduce here. I will merely call the attention of the court to the statute under which these proceedings are instituted, and will then proceed to call the witnesses for the prosecution, for the purpose of makine out the case under this statute. It is found in Brightley's Digest, page 214 and subdivision 6, being the thirteenth section of the act of 13th March, 1813, statutes at large, and reads:—

reads:—

If any person shall falsely make, forge or counterfeit, or cause or procure to be falsely made, forged or counterfeited any certificate or evidence of citizenship referred to in this act, or shall pass, utter or use as true, any false, forged or counterfeit certificate of citizenship to any person other than the person for whom it was originally issued and to whom it may of right belong, every such person shall be deemed and adjudged guitty of felony; and on being thereof convicted by due course of law shall be sentenced to be imprisoned and kept at hard labor for a period not less than three nor more than five years, or be fined in a sum not less than \$500 nor more than \$1.000, at the discretion of the court taking cognizance thereof.

Under this section of the statute these prosecutions are instituted, and I will be able to show in the examination of the case that at least one of the two subdivisions (sixty-eight) referred to has been violated by the defendant. I will now proceed with the examination of the witnesses.

Mr. Barrett, associate counsel for the defence, moved that all the witnesses for the prosecution but the one to be called to the stand be ordered out of court. I also ask that the names of the witnesses to be called be submitted to detendant's counsel.

Mr. Fullerton, associate counsel for the prosecution—You have no right to that.

Mr. Barrett—We have every right, and unless the names of the witnesses be given we have a right to object to their testimony when called to the stand. The Commissioner ondered the witnesses out of court, and that they be provided with a convenient place, so that they be provided with a convenient when called on.

dace, so that they might be a sheet called on.

Mr. Barrett—Your Honor, with all respect, I press our claim for the production of the names of the witnesses for the prosecution.

The Commissioner—It will be time enough when the witnesses come to be cross-examined. They can then be severally questioned as to whether they remained in the court or not, when their testimony mained in the court or not, when their testimony

manied in the court or not, when their testimony may be objected to.

Counsel for the defence—I suggest that the usual course of examination be followed and that the names of the witnesses be given. I presume the government means to conduct the case with entire fairness, and I presume the public prosecutor is as much counsel for the accused as he is prosecuting counsel. There is nothing asked here but what is usual and customery.

gounsel. There is nothing asked here but what is usual and customery.

Mr. Couriney—This is the most remarkable request I ever heard made. I do not intend to give the names of the witnesses until they are called upon the stand. I presume that every witness will, at the order of the Commissioner, leave the court room. That order will be obeyed, and the witnesses will remain out of court till called to appear. That is all the Court can order, and that is all I shall accede to. The Commissioner—I have given the order to exclude the witnesses, and if any of them remain in the room after that order that may be good reason to move for the exclusion of their testimony.

Mr. Fullerton (for the prosecution)—That, your Honor, is not exactly a tenable position. Their testimony would not be excluded on that account.

The Commissioner—I said good reason for moving to exclude the testimony of a witness who remains in the court room after an order of the Court excluding him.

Mr. Couriney called the first witness, when

in the court room after an order of the Court excluding him.

Mr. Courtney called the first witness, when Mr. Lawrence, for the defence, said:—Before the witness is sworn counsel demands that the complainant, Robert Murray, United States Marshai, be placed on the stand, so that we may have an opportunity to know the ground and basis of this prosecution.

The Commissioner—That course may be practised in the State courts, but I am not bound to follow it. Marshai Murray made the complaint and knows the nature of it, and he will be put on the stand at the proper time. It is not necessary that he should be called first, unless the government wishes it.

Mr. Lawrence—I suppose that under the statute we have a right to the testimony of the complainant at this time.

Mr. Pullerton—You have no such right.
Mr. Lawrence—I suppose we have some rights?
Mr. Pullerton—That is not among them.
Mr. Lawrence—We think it is.
The Commissioner—The practice has never been flollowed in this court, though the question has been frequently raised. I will allow the prosecution to Commissioner—The practice has never been flollowed in this court, though the question has been frequently raised. I will allow the prosecution to Commissioner—The practice settled in ordinary cases should be adopted in this one. The affidavit which move the machinery of this prosecution habows that if this prosecution is a prosecution shows that if this prosecution is a prosecution shows that if this prosecution is a prosecution shows that if this prosecution is a process of a violent political partisan, who holds his office and has held if for years at the hands of the party with whom he sympathized, and as we are on the ever of a great election this prosecution is no doubt levelled against the party opposed to him. Therefore it is that your Honor should be satisfied that there is a proper motive for the prosecution. When an individual comes into court and arraign, simply an individual has motive, but when he perings an individual partisan, who had been enjoying up to this time the bones of political favoritism, comes into court in an inquiry like this, it is certain that he will throw all his influence and give all his sympathies to the party in power and whose patronage he is enjoying. It should therefore be ascertained as soon as possible, at this time above all others, when we are on the eve of a great election, whether it his prosecution is really gof up for the purpose of bringing a criminal to justice or from motives of a different character; whether it is sensational prosecution is really gof up for the purpose of a different character; whether it is sensational prosecution is really gof up for the purpose of a different character. Whether is a sensational prosecution of the discount profession of the city (c

Counsel for the defence said it had been canvassed between the counsel for the accused whether they should not move at once, on the face of the papers to dismiss the complaint, on the ground that on the face of the papers themselves, taken in connection with the law of 1813, it was impossible to sustain the proceeding. The desire of counsel in the motion just made was not to retard, but to accelerate the proceedings. From the papers before the Court it would be perceived that the motion ought to be disposed of with some deliberation. The certificates of naturalization, annexed to the affidavit of Marshal Murray, were in themselves genuine papers. There was no pretence that the signature of the Clerk of the County, Mr. Loew, was a forged signature; nor that the directions on the back of the original papers, from which those certificates had been taken, were not in the handwriting of Justice Barnard. Nor was there any pretence that the record was not what it purported to be in each case, a record of the Supreme Court of the State of New York for the First Judicial district. If Marshal Murray, that benefactor of his species, who was paid for his politics, was actuated by proper motives in this prosecution he would not permit the question to be argued. Counsel was not aware whether he was now sitting in court, for he did not know him. Mr. Arady—Then you are deprived of a great pleasure. s prosecution.

Counsel for the defence said it had been canvassed whether they

now sitting in court, for he did not know him.

Mr. Rrady—Then you are deprived of a great pleasure.

Counsel for the defence went on to state that if Marshal Murray were in court he should take the stand and testify as to the incitive of the prosecution. The ground which counsel for the defence took was this—that under the judgment of the Supreme Court of the United States, no matter how the record was brought into being, if it were an original record of a State Court answering the qualifications prescribed by act of Congress in that behalf, his Honor the Commissioner had not the power to go into the record at all or to investigate by what means it was brought into being.

If the record itself was a genuine record, even though it was obtained by means of no alidavit, or by means of perjured affidavits, or by means of forged adidavits, the only way of invalidating that record was by applying to the Court whose record it was. He contended that under the decision in the case of Spratt against Spratt, 4 Peters, the investigation must end if it was conceded that the record from which the certificate of naturalization was taken was the record of the Supreme Court of the State of New York for the first judicial district, being a court of record having common law jurisdiction, with a seal and a prothonotory or cierk. In the case referred to chief Justice Marshall gave the following opinion:—

In the various acts on the subject submitted for decision, on the right of allens to farmission to citizenship the courts

quiry, and, like every other judgment, it is to be considered evidence of its own validity.

Did the prosecution mean to say that if Justice Barnard had ordered these records to be made up without any affidavit at all, or on the faith of spurious affidavits or on the faith of spurious affidavits or on the faith of perjured affidavits, the Court had a right to go into that question? Counsel the Commissioner could not go behind it. It was a perfectly conclusive record. The very moment those records were brought into court all inquiry was shut off; and the question now was whether the Court was to tie a handkerchief over its eyes and deriver itself into the hands of a political presecutor (Marshal Murray) and indulge him as to the length and breadth of the examination. Counsel knew that his flonor would set himself against a sensational prosecution. It was a prosecution which never should be entertained in a court of jistice at any time, particularly at a time like the never should be entertained in a court of fistice at any time, particularly at a time like the present, because the necessary effect of it was to mislead the community; and he charged that that was the intention and design of it. The dissemination of false news at the time might be the means of producing a false political judgment, for few newspaper readers would wade through long articles; but they would be governed by the head-mers and make in their onlinons on them.

few newspaper readers would wade through long articles; but they would be governed by the headings and make up their opinions on them.

District Attorney Courtney remarked that counsel for the accused had dropped his original motion and made another. It seemed to him that the speech just made had evidently been intended to anticipate the nature of the testimony. His Honor was presumed to know nothing about the testimony. The case would be ascertained according as the witnesses were put upon the stand and examined. Whether this prosecution was an attack on a certificate issued by a proper tribunal could not be told until the testimony was before the commissioner. It would be shown that the accused had violat d at least two subdivisions of the statute. The argument of the learned counsel had no relevancy or pertinence to the question on which his Honor had to pass. The prosecution would show that the accused had sold and disposed of certificates of citizenship to persons other than those for whom they were originally issued; in other words, that he obtained and issued and sold certificates of citizenship to.

Mr. Courtney—Yes, this is a charge in the general

Mr. Barrett—There is no such charge against the accused.

Mr. Couriney—Yes, this is a charge in the general section of the law.

Mr. Lawrence—I suppose we cannot be tried for horse stealing on a charge of forgery.

Mr. Courtney supposed his learned friend knew what the accused was to be tried for. If the time of the court was to be taken up with long speeches on these unimportant questions the case would occupy all the time till election day.

The Commissioner remarked that he had nothing to say as to the motive of the prosecution, therefore the District Attorney would proceed with his witnesses.

nesses. The Testimony—Examination of William T. THE TESTIMONY—RXAMINATION OF WILLIAM T.

SIMMS.

By Mr. Courtney—Q. What is your business? A.
Assistant assessor of the Thirty-second Election district; know the defendant, Rosenberg; first saw him at No. 6 Centre street, in this city, in the basement of a lagor beer saloon; entered the saloon for the first time on Monday last; the basement is about ten feet below the surface of the street; on entering there are two folding doors leading to the interior; on the right hand, as you enter, in the corner running along the window, is a table, at which Mr. Rosenberg sat; on this table or desk were a quantity of naturalization papers; on the left of the entrance of naturalization papers; on the left of the entrance was the bar of the lager beer saloon.
Q. When did you go there first? A. On Monday, about noon.
Q. When you entered whom did you see? A. Mr. Rosenberg.

Q. When did you go there first? A. On Monday, about noon.

Q. When you entered whom did you see? A. Mr. Rosenberg.

Q. Do you identify that person in the court room? A. Yes; that is the gentleman sitting on the left hand of counsel.

Q. State in detail and as particularly as you can the conversation you then had with Rosenberg? A. I went twice that morning, first under a mistake as to the name of the party I desired to see; I asked for a person named koffman, and was informed he was not in that office; I went out and consulted a memorandum I had; I thereupon turned back and again entered the saioon; I then asked for Mr. Rosenberg; Rosenberg responded to his name and asked me what I wanted with him; I beckoned him to walk aside with me, and we went to the back part of the saicon; I then said to him, "I am from Youkers; I have twenty or thrity men at that place for whom I want to obtain naturalization papers;" he asked me, "What party are you from?" I said, "The democratic party;" said I, 'Can you or can you not obtain papers for me for these men? they are too poor to leave their work for a day or an hour to go to White Plains or to come to the city; can you get those papers through without failing, as I do not want you to commence it and to go haif through it and then isil!" if you cannot do it I must seek elsewhere;" he then told me that he had sold seven thousand of them; I then told him the arm jist was incomplete, but that I would return and give him the names; I left then and came to Marshal Murray and told him he could get as many papers from that man—Rosenberg—as he wanted; I then went to my own office in Nassau street and wrote out a list of names, with which I returned to Murray's office; I there made a copy of the list of means a few the papers for the papers for the papers in his tof the names; I returned to No. 6 Centre street about eleven o'clock on Tuesday morning and took with me the list of the names; I returned to No. 6 Centre street about eleven o'clock on Tuesday morning and took with that it

or naturalization papers.
Q. Look at these papers and say whether or not these are the papers he had colled up? A. These

Q. Look at these papers and say whether of not these are the papers he had colled up? A. These are the papers fire.

Papers put in evidence.
Q. What then took place? A. He handed me the papers and I handed him ten dollars.

Mr. Courtney read one of the papers, the one particularly identified by the witness as bearing the mane of Adolph Schlesinger, and stated that the others were exactly similar, with the exception of the names of the parties.

Counsel for the defence—Do you deny that these are genuine certificates?

Mr. Brady, for the prosecution—We do not say anything about it.

Counsel for the defence—You are bound to go upon the theory that either they are genuine certificates or transluent.

Mr. Courtney—That is what we propose to find out by the evidence.

Mr. Brady, for the prosecution—We expect the Supreme Court to come here properly represented to vindicate itself whether they have connived at a fraud or permitted a fraud to be committed on it.

By Mr. Courtney—Q. Before you received these certificates from Rosenberg, state whistner or not any agreement had been made between you and Rosenberg with regard to the price to be paid by you to be the first interview on Monday; I asked Rosenberg what the cost would be and he replied two dollars a piece; he said, "You do not give me this, but when I hand you these certificates for the papers A. Ves, there was such an agreement made at the first interview on Monday; I asked Rosenberg what the cost would be and he replied two dollars a piece; he said, "You do not give me this, but when I hand you these certificates

cates? A. Yes.

Q. Were any of the parties in the name of whom you gave to Hosenberg the list and paid him five dollars a piece genuine or real parties? A. No, they were fictitious names that I thought of right in a moment.

moment.
Q. After you obtained these papers what did you do with them? A. I brought them the next morning and gave them to Marshal Murray.
CROSS-EXAMINATION
Q. What political party do you belong to? A. I belong to no political party, but I have always voted the republicant ticket; I have lived a! my lifetime in New York, with the exception of four years I served in the army.
Q. How long have you been in lour present position as assistant assessor? A. Wo years last June.

sition as assistant assessor. As two features of the same political party as yourself? A. I don't know; I belong to no political organization; have not been engaged in collecting money for political purposes—nota bit of it.

Q. Who suggested to you the idea of entering on this business? A. Mr. Wooster, the assessor in whose office I am; I have not the faintest idea of who conceived the design.

Q. And you at once fell in with the suggestion of Webster? A. I consented to do as he wanted me.

The witness' cross-examination was continued at

who conceived the design.

Q. And you at once fell in with the suggestion of Webster? A. I consented to do as he wanted me. The witness' cross-examination was continued at great length, but nothing impeaching or controverting his direct testimony was elicited.

TESTINONY OF NOBLE W'DONALD.

By Mr. Courtney—I am a letter carrier in the New York Post Office; I first saw the defeadant, Rosenburg, last Wednesday morning, at No. 6 Centre street, in the basement.

Q. Describe the place. A. It was an ordinary lager beer saloon; on one side was a barroom; on the other side were three small tables such as are used in lager beer saloons, and parties were there writing; there were papers on the tables and on the shelf back of them.

Q. Detail minutely what conversation you had with him on that occasion.

**Counsel for defence objected to evidence of what took place at a time subsequent to the offence with which the accused was charged. After long argument the Commissioner decided to hear the testimony, which he would exclude if it did not come within the legal rule.

Witness—I stated to Mr. Rosenberg that I understood I could procure naturalization papers by appiving to him; he asked who sent me; I named the president of the Twentleth ward Empire Club; he then wanted to know if I would sell them; I said certainly not; he wanted to know if I was a democrat; I stated "of course," or words to that effect; he then sand he was willing to give me tho papers provided I would not use them against the democratic party; I gave him a list of four or five names, for which I was to pay him two dollars each; the names that I gave were William McGinnis, John McNally and James McCornnick; the understanding was that I was to call at half-past five in the afternoon; Mr. Rozenberg told me that it was not necessary for me to pay him two dollars each; the names of the parties for whom I required them; he said that roon is the papers of the parties of whom I required them; he said that ranspired.

Q. Were the names that you furnished genuine o

Before you went there had you been informed

Q. Before you went there had you been informed that Rosenberg furnished such papers?
Objected to. Objection overruled and exception taken.
A. I was informed that the papers could be procured there by using a little discretion; that was the reason why I went.
CROSS-EXAMINED.
I am attached to the General Post Office; I am a republican in politics; I am attached to several organizations in the Sixteenth ward; I am secretary of one of the Grant and Colfax clubs there and President of the Boys in Blue.

organizations in the Sixteenth ward; I am secretary of one of the Grant and Colfax clubs there and President of the Boys in Blue.

Q. What Boys in Blue do you mean? A. I mean the Grant and Colfax Boys in Blue.

Mr. Brady—He means the people who fought to preserve this government.

Q. Do you take an active interest in politics? A. I do: I have collected money as far as was necessary to meet my expenses; I have been engaged for a week or ten days in collecting money; I decline answering how much I have collected; i decline answering how much I have collected; i decline answering whether I have subscribed money myself.

Q. Is there any secret organization to which you belong of which Marshal Murray is the head or a member, the object of which is to control the election of this city or county for the benefit of the republican party? A. There is not.

Q. You belong to no picked select few with which he is connected? A. Not to my knowledge.

Q. Who suggested to you to go to this place? A. Marshal Murray; a gentleman called at my house last Sunday and stated that General Charles K. Graham requested him to name two or three men in whom he could counde to work this case up: I voluntered; that was the first I heard of the matter.

Q. Is there a naturalization office for the republican party at 25 Chambers street. A. There is,

Q. Then there is no difference between those headquarters and the headquarters of the democratic party, is there. A. I have been in there twice to get naturalization papers for men, and the difference is that I could not get them until they examined the witnesses.

Q. Do they give out lager beer on one side of the

witnesses.

Q. Do they give out lager beer on one side of the room and citizenship on the other, according to the expression of counsel (Mr. Brady)?

Mr. Hilton insisted that the answer to the preceding question should be fully given before the other question was put.

Counsel for Defence — I meant a physical, tangible difference.

Witness—They give the papers at Chambers street, in a vault under the sidewalk; they go through a saloon to get at the vault. (Laughter.)

Q. Who wrote those names for you? A. Marshal Murray; they are his invention.

Murray; they are his invention.

Q. When you mentioned those names to Mr. Rosenberg did you mention them as the names of real or fictitions persons? A. I did not state whether they were real or fictitious.

Q. How many days last week did you perform service as a letter carrier?

Witness—I decline to answer.

The Commissioner—I cannot go into that inquiry. Counsel for defence—If a public officer devotes his time to politics instead of to his business it ought to be known.

Mr. Brady—I know a gentleman of the democratic party who holds five offices and does not do work in any of them.

Any of them.

Q. Did you ever get any naturalization papers from the office in Chambers street? A. I did; two; I did not pay for them; I presume the republican party did; I knew the persons since May or June last; they are members of my club; the statements that I made to Rosenberg were false; I mentioned the President of the Twenlieth ward Empire Club (Thomas Cullom) because I knew him to be a well known democrat, in good standing with the party.

Q. Do you believe that the republican party is engaged in making citizens improperly?

Objected to by Mr. Brady.

The Commissioner—I do not want to go into those questions; that is a matter which I will entertain at any time that an adidavit properly vouched for is laid before me.

Q. Have you made any efforts to detect illegality in reference to the naturalizing of citizens for the benefit of the republican party? A. I have not.

To Mr. Brady—The persons whom I had naturalized at Chambers street claimed to be legally entitled and had their witnesses with them. I know of no objection to their being naturalized.

TESTIMONY OF SAMUEL REYNOLDS.

By Mr. Courtney—I live at 221 West Twentieth street; i am storekeeper in a bonded warehouse; I got some naturalization papers from Rosenberg at No. 6 Centre street; I saw him there in the beament of the Eldorado; there is a lager beer saloon on one side and a tot of naturalization offices on the other, all in the one room; there were tables there and some persons acting as clerks; it was last Wednesday that I first saw him.

Same objection on the part of the defence, that the time was subsequent to the bonninsion of the offence as charged. Objection overruled and exception taken.

Witness continuing)—I called upon him with a list of some names to be naturalized, it said they were poor men and did not what the trouble and expense of coming down town, as they were at work: the asked me how many there were; I told him seven, but that there were a good many more who wanted to be naturalized too; I gave him a list of the same O'Donoh

The Commissioner—I do not see any reason too oing into that matter. Counsel for defence contended he had a right to how that every witness produced was sodden in epublicanism, and that that certainly went to his

Commissioner said he had no objection to it asking the witness whether he believed the ican party was naturalizing citizens frauduess_I will assure you I know nothing at all

about it.
To counsel—I do not know Mr. Scap, the proprietor of the saloon No. 6 Centre street; I do not know him to be an active democrat of the Sixteenth ward.
TESTIMONY OF MORRIS LIVINGSTONE.
By Mr. Courtney—I live at No. 32 Delancey street; I know the defendant; I first saw him last Monday. By Mr. Courtney—I live at No. 32 Delancey street; I know the defendant; I first saw him last Monday at No. 6 Centre street; it is a saloon down stairs in the basement, and besides the saloon I saw a table where naturalization papers were issued; there were clerks around there; I had a conversation there with Rosenberg; I asked him if he could furnish me with four sets of papers for four different parties; he told me he could; I asked him how much he wanted for them, and I agreed to pay him seven dollars for the four papers; I gave him the names and he told me to come down there in about half an hour and get the papers; the names that I gave him were James Brown, W. Honig, Henry Baum and August Dietzel; I wrote down these names as they came into my head; they were fictitious names; I went back in half an hour; he told me he did not have the papers yet; that he had sent over and that they were out of certificates; that they were being printed, and that he would have them as soon as they were ready, and he asked me to come back; I went back soveral times; at last he nodded to me that he had the papers, and I went with him into an adjoining room, where I paid seven dollars and got the four papers; we were alone in the room (naturalization papers presented to the witness and identified); those papers contain the names which I gave to Rosenberg.

This witness was cross-examined at great length for the purpose of invalidating his testimony. The cross-examination only brought out the fact that his real name wos Lebenstein, of which Livingstone is the English equivalent; that he has been in this comparing the papers and identified; those papers contain the name was cheenstein, of which Livingstone is the English equivalent; that he has been in this compared to the papers of the papers, the papers of the four of Braun, who used to live in Hester of cross-examination at ten minutes to four of clock, the case was adjourned till half.

Ludlow, but of whose present residence he could give no account.

At the close of his cross-examination at ten minutes to four o'clock, the case was adjourned till half-past ten on Tuesday next, one of the counsel for the defence having an engagement for Monday which prevented him attending to the case on that day, to which counsel for the prosecution desired to have it adjourned. The court room, which had been crowded throughout the day, was soon after left to its usual evening solitude.

SUPREME COURT -CHAMBERS.

Decisions Rendered.
By Judge Ingraham.
Benjamin Butler vs. Bernard Levy et al.—Judgment of foreclosure and sale ordered.

of foreclosure and sale ordered.

Skinner vs. Bush.—Motion denied on conditions.

Delavan vs. B: own et al.—Motion granted.

Calkins vs. Richardson.—Motion denied with \$10

costs, with leave to renew. &c.

Jules Sazerac vs. William Grove et al.—Report of referee confirmed.

By Judge Tappan.

Haszak vs. Chickhaus & Mason.—Having considered this case fully I make the following order, as in conformity with strict equity:—Motion for injunction pendenie life denied upon conditions as follows:—

1. That defendants shall pay rents accrued and to accrue during the action, which may be received by plaintiff without prejudice. 2. That if plaintiff elecis there shall be a reference to hear and determine (referee, John R. Haskin). If order not complied with in ten days after settlement and service, plaintiff's motion must be granted.

SURBOGATE'S COURT. Wills Proved. Before Gideon J. Tucker.

The following wills were admitted during the week:-Of Eliza Leany, Robert A. Gregory, Henry Nelson, William Gerard, Saran E. Vanderpool, Caspar Goetze, William Marvelly, Mary Cook, Daniel

Letters of administration were granted on estates as follows:-Charles Lloyd, Rene Chappint, Eva as follows:—Charles Lloyd, Rene Chappint, Eva Bergen, Joseph C. Dilks, Mary Goss, Elizabeth Hun-ter, Sarah A. Prichards, Elizabeth Pickle, Joseph B. Thayer, John A. Abbenreth, Catharine Donohue, Hannah Donovan, Patrick H. Burke, Francis McAnana, Richard Nicholson, Eliza Rothenbock, Sarah Ryker, Jane Wilkins, Anton A. Lemberg, John Murray, Elizabeth Negus, Bernard Clark, Joan Geens, Meyer L. Kohnstaun, Margaret Kopp, Fred-erick Moog, James Tobin.

SOURT OF GENERAL SESSIONS. Before Judge Kelly.

PUMMBLLED A DUTCHMAN. Master George M. Huntington, a wiry looking cus tomer, sailed into a Dutchman who calls himself Herr Deiker and gave him Jerusalem.

"Weil, George, what is your opinion of the accusa-tion?" asked the Court.

"It's my opinion that I trimmed the Dutchman," responded the accused.
"Did he hurt you much?" demanded the Court of the complainant, a stoutish gentleman, as he entered the witness box.

"Yah, Shudge," replied Deiker; "I keebs a lager pier saloon, und dis man he valks indo me ven I doles him do clear oud ov mine haus. Insdead ov toing so he call me several big liddle names und he gives me ter tuyvil, und I shwear so much ash never vosh, ven a boliceman gomes in und dakes der man

"George," said Judge Kelly, "the Court is of opinion that you should go into training for a month, so that your muscle may be sufficiently hardened for your next plug muss. One month in the geological department, George," and the defendant retired to

Louis Shimer took his "postsh" on the witness stand and assured the Court that John Marshail had stolen a silver walch out of his room.

"Are you guilty, John?" asked the Court.

"Well, I spose I'm," replied the accused. "I ain't doin' nothin' jes now, I guess."

"What's you business?"

"Well, you see, I ain't a doin' nothin' these three weeks."

"Well, you see, I ain't a doin' nothin' these three weeks."

"The Court is disposed to give you employment for a season, John, and, that you may have plenty of it, will send you to Blackweil's Island for thirty dars, where you may, by going into the quarries, enlarge your knowledge of the mineral kingdom and of the structure of the earth."

HIT HIM WITH AN AXE.

Henry Hanson, a stout looking Irishhman, and Philip Lackers, a gentleman from the Vatterland, had a set-to, in which Hanson got the better of the Dutchman.

Fran Lackers mounted the stand and testified that

Henry Hanson, a stout looking Irishhman, and Philip Lackers, a gentleman from the Vatterland, had a set-to, in which Hanson got the better of the Dutchman.

Frau Luckers mounted the stand and testified that "You see, Shudge, ish der way: dis mans he gought mine mansder tarks, und he seize der axe und he hid mine hoosband in der mit id behind, und he gooms near knockin' his prains out behind, und he i rush in und he shwears like der very tyvil, und he vosh so mad as coulds pe mit me."

"Who?"

"Der mans here mit der axe vots hids mine hoosband in der prains behind in der heads of his preeches."

"Have you anything to say in your defence?" asked the court of the accused.

"Faix, yer Haner, I've nothing, not the first thing to say in me difinas, foreninst the fact that the witness is a furriner, a Dutchman's wife, and that the man himself hain't got any prains in his breeches or anywhere else, spedad, an' it's a shame to be arraigned before the coort for an assault on a man that can't aven spake dalcently the English language."

"It is too bad, Hanson, and the court is disposed to be lenient with you, and will commit you to prison to await the result of the injuries inflicted on your opponent."

A WARHINGTON ON THE CALENDAR.

Elizabieth Washington, a stately negress, evidently with a large supply of the blood of the P. P. V.'s in her veins, was arraigned, charged with stealing from her mistress stundry articles of goods which were found in her trunk.

The Washington, through her counsel, indignantly denied the imputation. She didn't takeghings, and wouldn't under any consideration.

"That may be true," remarked the Court, "but it is quite evident that they were the sheets, &c., found in your trunk."

"I know and as well's you do, Judge. I'se not so ignorant as not to know dat I'se charged wif stealing dem tings; but I didn't stole dem. 'Spose dey was found in my box—I say 'spose dey was, does't follow dat I put dem dar? No, sah, it wouldn't be guittumless oh doin dat are, an' dar may have been oders in dat yer hou

of leasure?"
"I hang up my hat in Communipaw; that's over in
New Jersey. I slaughter there, I do. I was kind of
on a bust when I got into this ere scrape, you see."
The complainant. Eleanor Flotz, was here called

said:—
"Shudge, I wash in mine blace, addendin' on der beobles vat gomes do mine haus vor der peers. ven dis mans und oder yong mans a gomes in, und ven von called vor der peet der oders buts out der light, und anoder he goes do mine ta wer in der goanter und dook der monisi, fieve toliar, out ov it. Den dis mans he shvears so much as never vas—ach, he shvear 'By tam I shoot you; I knock you towns: I shool your butty blokter vor you;' und den gries murter, und den der vachman he gomes in mid der bolice, und den ve vash all 'rested, und der money ish gone, der ples is good vor nix und I gomes near havin' mine prains shoot ont of my head."

A woman, a servant of Eleanor, was called to sustain the varied testimony of her mistress. She succeeded in proving that she had heard the row, but was in the kitchen at the time.

A number of persors undertook to swear for Patrick; and if they were to be believed he was an injured angel. The Court, however, thought it would do the young gentleman a heap of good to pull him up for a mouth to study geology on the Island.

SWERRING LOUDLY.

Phineas H. Lawrence was arraigned on the charge of assaulting James M. Gaffney, under peculiar circumstances. He asked permission to go into a coal yard for the purpose of performing an office of nature, when, as he alleged, Pinneas saw him, and becoming indiguant ordered men to assault him. He was, as he alleged, capsized and brutally treated; but as he could not swear that the accused directed he assault, or commanded the attack on his fanks and routing him in the rear, he was discharged from custody. Mr. Gaffney thereupon left the court in no amiable state of mind, swearing he'd have satisfaction in some way, if he had to figat it out on that line all the winter.

Thomas Smith, a dilaplidated youth, was arraigned on scharge preferred by Johannes Alsdorf of sicaling from a b. rge a keg of butter of the value of twenty-live do lars.

"Thomas, what have you to say to this charge!" asked his linon.

"Thomas, what have you to say to this charge

"Do you plead guitty, Brown?" demanded the

"Do you plead guitty, Brown?" demanded the Court.

"Kna, kna! Ist not guilty; kna! Vot vor I sdoles mine hat vrom der mans? I vouldn't sdoles der hat, kna, py tam! I lose mine hat und I vants mine hat, und I didn't sdole my hat."

A hat was here produced by the complainant, who stated that the prisoner had carried off a hat and satchel.

"Kna, kna, I ton't sdole der hads; I never sdoles der had," cried the accused. "Yacob Brown ton't sdoles der had," cried the accused. "Yacob Brown ton't sdoles der hads."

"Is this your hat?" demanded the Court. "Put it on his head and see if it is, officer."

"Kna, kna! mx. Dat ish mine had, put it ishn't, by tam."

The hat was put on his head, but it was found to be too small for it. The fact was Jacob had so much lager in him that it had swelled so much that the hat "shrunk" when it was put on.

"As the hat won't fit you, Jacob, you had better go and find your tile. The Court discharges you."

"Dat is petter ash goot, Shudge," said Jacob. "It is nice. Now I shall goes and vind mine hads, und Iv I find mine hads I shall dakes mine pier und veel so goot as pee tam," and Brown vaimoosed the ranch.

THE TALE OF A TUB.

A colored youth named Renry William Sternes

so goot as pee tam," and Brown vamoosed the ranch.

THE TALE OF A TUB.
A colored youth named Henry William Sternes was arraigned, charged by a white woman with stealing a tub from her premises.

The woman testified positively to the taking. She saw him, and as she hadas bit of the brogue on her tongue, volubly expressed her contempt of the entire proceeding by declaring that "she was shure now that his Haner wud joost fix the nager for stallin' her tub. It was her only tub, and how was she to git along widout it, especially as she had washin' to do?"

"Now, now, sir! Lookee, your Honor; dar is not de first word of truf in wat she toles you.) I jes? go an' borrow dat yer tub to do a little washin' in for myself, wen she jes' came 'long an' she spotted me, she did. Dat's all. Swar it is, your Honor."

"I shall have to send you to the island, young man, for three months," said JudgeKelly. "It will do you good."

"An' spile my New Year's, your honor! Well.

good."
"An' spile my New Year's, your honor! Well,
'spose I'll hev to 'gree to 'rangement."
"It's the sequal to the 'Tale of the Tub,' Henry
William."
"Ki! dat's jes so. Good by, sah. Farewell until
nex we meet." nex we meet."
And the sturdy Sternes left the court in a fit of

sterntiation.

APRICA VS. APRICA.

William Hopkins, a black skinned genman, was arraigned on the charge of Gabriel Smith, a moke of the yellowish shade, charged with stealing two dollars from his counter.

Smith took the stand and said,
"Dis yere man, de prisenner at de bar, stole der moneys from me, an' jes tole him so and de say it was dam no sech ting, what to' he take de money?"

"Now, you look heah, Smif, yous bin 'quainted wif me dese two years and you knows dat I didn't stole dem dollars," exclaimed the accused.

"See heah, you Hopkins," responded the complainant, "dat dar nuffin' to do wif de charge of takin' dar money."

plainant, "dat dar numa takin' dar money," "No," said the Court, smiling, "It has nothing to "On Said the Court, smiling, "It has beening to do with the case."
"Dat's jes so," resumed Smith, "and so you fisherman shut up."
"But stop, stay a minute, jes a minute. I want to ask you a question, Smif. I jes want to ask you a muestion."

"Well, den, propound the interrogamtory, an' Ull issues to you, I will. So jes interrogumgate your enceston." question."
"Hab you never drink whiskey wif me?"
"Suah, I'se drank whiskey wif you," replied the

accused.

"Well, now, you jes tell who paid fo' dat dar whiskey."

"Dat's got nuffin to de wid de money, Billiam Hopkins, an' dar's no use bringing dem drinks up in disyer place."

"Well I tought I'd remind you of de fac' dat you's a sucker; and now you turn your back on me fo' nuffin', jes 'cause you lose two dollars on wot you loan me. Didn't I borrow it of you, say?"

"No, sah, not de fus borrow. 'Sides dat's nuffin to do wif dis yer case, no how; so you jes shut up. Billiam Hopkins. You stole dem dollars, you did."

"You a dead beat, you am, Gabriel Smif; you can't deny dat, kin yous?"

"Hopkins, I shall send you to the City Prison for ten days; when you are at liberty pay the money back.

"Not de fus pay, your Honah; he am a skunk, is Smif, an' will neber drink again wif me, dar," and the prisoner retired with dignity from the court.

CALENDAR OF SPECIAL SESSIONS YESTERDAY.

There were forty-six cases on the calendar of the court to-day, of which twenty-one were for petit larceny, nine for assault and battery, two for defrauding a hotel keeper, eight for cruelty to animals, two for misdemeanor, one for disorderly house and three for violating the health laws.

CITY INTELLIGENCE.

MORTUARY.-The deaths reported for the week ending yesterday noon were 369; corresponding period of last week, 424—a decrease of 55.

SUDDEN DEATH.—A man, sixty-seven years of age, named Abraham Strauss, on Friday night died sud-denly at his late residence. No. 696 Ninth avenue. Coroner Rollins was notified to hold an inquest on the body.

route between Providence and New York is proposed by some well known capitalists. It is intended to run a branch road from Wickford to Stonington. The work will probably be finished next spring. BIRTHS AND MARRIAGES.—Returns made to Dr. Harris, segister of vital statistics, shows that for the week ending yesterday noon the prospective vote of the city was increased by 213. There were in the same period 380 males and females mated. The Lickner Burkau.—Marshal Tappan, of the The License Burkat.—Marshal Tappan, of the Mayor's office, issued the following licenses last week:—Coaches, 8; express wagons, 88; public carts, 69; venders, 14; drivers, 56; porters, 4; junk dealers, 2; dirt carts, 6—757. Fines \$6. Total amount, \$726. FATAL ACCIDENT.—An inquest was held by Coroner Rollins at 112 West Twelfth street on the body of Victor Poballing a man twenty day, years of age. of Victor Schelling, a man twenty-five years of age, whose death resulted from injuries accidentally re-ceived by falling from a grapevine to the ground a day or two since.

LA LOTERIE OF NEW YORK.—The gentlemen conmetted with the offices of the Astor, St. Nicholas, Metropolitan, Fifth Avenue and Coleman hotels have formed an association bearing the title of "La Coterie of New York," and propose to give a grand fancy dress hop at the Academy of Music on Wednesday evening, January 13, 1869.

St. PETER'S ROMAN CATHOLIC CHURCH.—The dis-

tinguished Catholic divine Dr. Anderdon. M. A., Oxford, late of the Catholic University, Dublin, will preach at the last mass at St. Peter's church, Barcay street, to-day. In the evening Dr. Anderdon will preach in St. Andrew's church, Duane street, on the subject:— "Christian Rome and Pope Pius the Ninth."

Keenan was yesterday called to hold an inquest at No. 80 Montgomery street on the body of Peter Meeker, a man twenty-seven years of age, whose death was the result of injuries received by falling from the sixth story of Miller's sugar house, corner of Water and Corlear streets, where he was employed, to the lower floor. The accident occurred on the 20th Inst.

to the stand, and upon taking the usual swear | the building of the Church of the Dominican Fathers, on Lexington avenue and Sixty-fifth street, nyite all their friends and the public in general to visit their tables this week. The proceedings will be particularly interesting this week, lussmuch as most of the articles are yet to be radied.

THE MORGUE.—The body of an unknown man taken from Fourth avenue, between Fiftieth and Fifty-first streets, to the Morgue yesterday. Deceased was about sixty years of age, five feet six inches in height, had gray hair, and wore a gray coat, black cloth vest, cloth pants, check finned shirt, blue cotton socks, bluck cravat, shoes and straw hat. The body awaits identification.

DIED IN A PRISON.-Arthur Smith, a man forty years of age, was arrested on Thursday night for being intoxicated in the street and taken to the being intoxicated in the street and taken to the Eight precinct station house by officer Geary. Smith was subsequently committed by Justice Ledwith in default of payment of ten dollars fine. On Friday afternoon the keeper of the prison discovered that smith was dangerously iii, and forthwith called a physician. The poor man, however, grew rapidly worse and died yesterday morning. The body having been carried to the Morgue, Coroner Rollian heid an inquest. A post mortem examination showed that death resulted from apoplexy, and the jury accordingly rendered a verdict to that effect. Deceased, who was a single man, lived at 33 Laurons sireet.

THE PARK .- A fine bracing atmosphere prevailed in the neighborhood of the Park yesterday, but, notwithstanding the fact that it was somewhat cold withal, the attendance at the Pavilion was both large and brilliant. Very few of the visitors cared about sitting down, however, and so it was quite a promi-nade concert. The awnings stretched over the seats nade concert. The awnings stretched over the seats and the white hats worn by the members of the band were the last sad traces of summer, while the thick carpet of failen leaves and the automnal times of those yet upon the trees tood of the rapid approach of winter. Mr. Dodworth's programme comprised only the choicest of operate gens, and the manner in which they were performed would have satisfied the composers. Offenbach's "Ma Premer Femme" and Schubert's "Last Greeting" were particularly well rendered.

CHILDREN'S AID SOCIETY .- At the monthly meetng of the trustees of the society, held on Wednesday last, C. L. Brace read the following report of the work of the society for last month:-183 persons (25 men, 19 women, 73 boys and 66 girls) were provided with homes and employment. The attendance during the past month twenty Industrial schools was 1,835, Nightly twenty Industrial schools was 1,833, Nightly average attendance at lodging houses:—Newsboys' Lodging House, 49 Park place, 123; Girls' Lodging House, 125 Bleecker street, 46; Eleventh Ward Lodging House, 709 East Eleventh street, 38; Thirteenth Ward Lodging House, 327; Rivington street, 48; Sixteenth Ward Lodging House, 211 West Eighteenth street, 43; Chidren's Home, 125 Bleecker street, 18—tata 310; 8,941 lodgings and 13,500 meals were furnished to the inmates during the month. Reports were received from the agents and visitors of the society, showing that the work was going on successfully in all its branches.

TESTIMONIAL TO MR. PITT COOKE. - Yesterday afternoon a deputation (headed by their president and orator) of the Soldiers and Sailors' Society entered the banking house of Jay Cooke & Co., and approachng Pitt Cooke were formally introduced to him. At the same time two of the deputation deposited with in a few feet of where he stood a large picture frame, decorated with the arms and flag of the republic in which was placed a beautiful and elaborate speciin which was placed a beautiful and elaborate specimen of caligraphy, setting forth with many artistic touches of the pen the thanks of the society for Mr. Cooke's unfalling and unostentatious kindness to many a sick and poverty stricken soldier during the war of the rebellion. In brief but pointed terms Captain Duncan recited many acts of kindness on Mr. Cooke's part, and was happy to now assure him through the testimonial offered that his acts of charity were not forgotten by those to whose comfort he had so generously contributed. Mr. Cooke reptied in feeling language to this, by him, unexpected expression of respect in his behalf by the brave men who, standing unfinchingly in the battle's front, had saved the country and government from dissolution—death; ending in the disappearance of every vestige of liberty and of progress, perhaps, forever to the people.

POLICE INTELLIGENCE.

BOLD SHOPLIFTERS. THEFT OF FURS. - About balf past nine o'clock yesterday morning two snoplifters entered the store of Messrs. George C. Treadwell & Co., No. 124 Grand street, under pretence of wishing to purchase some goods, and while one of them engaged the attention of the clerk with whom they were negotiating the other packed away in a carpet bag which he carried five fur cloaks and one fur colbag which he carried five fur cloaks and one fur collar, valued at \$750, without being observed, after which they left the store without making any purchases. The goods being missed in a few moments afterwards, the parties were pursued by two gentiemen from the store, through Crosby, Broome, Mercer and other streets, when they, separated and ran in different directions. The cry of "Stop thie?" was raised, when officer Fleming, of the Broadway; squad, joined in the chase and succeeded in arresting in Broadway, near Howard street, the man who had the bag of stolen furs in his possession. The prisoner gave his name as James Morris, said he was thirty-four years of age and a native of Covington, Ky. The accused was taken before Justice Hogan and committed to the Tomos for trial. The confederate of Morris succeeded in making his escape. REBEL GENERALS ON A RAID.—The usual mo

notony of early morning trials at the Jefferson

Market Police Court was broken yesterday by the apce of ex-Generals John Magruder and Edw Higgins, of the late rebel army, under the escort of rested them during Friday evening at the instance of Elisha H. Wildey, of 677 Broadway. The circum-Elisha H. Wildey, of 677 Broadway. The circumstances of the arrest were narrated by Mr. Wildey, who appeared as the complainant. He said that the accused came into the store of which he is the superintendent, and conducted them-selves in a manner decidedly ungentlemanly, insulting the lady attendants and preventing by disparaging remarks the sale of goods on exhibition. The specific character of the latter portion of the charge was dwelt upon particularly by the complainant, massmuch as he averred that without system and decorous conduct, where the greater portion of their patrons were ladies, their business would at once he reduced to almost nothing. While the accused were, as alleged, interfering with the customers present, the complainant approached them and remonstrated with them, intimating that they had made a sad missuch a rufflanly way, whereupon General Higgins raised his cane and threatened to annihilate him, inquiring at the same time "if he knew to whom he was talking—that his companion was General Magruder." Becoming still more turbulent they were, as alleged, then ejected from the store, officer Rea called and both were taken to the Pitteenth precinct station house, where they remained locked up all night. When asked by Justice Ledwith what they had to say in relation to the charge, General Magruder stoutly denied the allegations of the complainant, assuring the Court that in visiting the establishment referred to they were on business, and that, anthough he did address the ladies present in relation to certain articles of Bohemian ware there for sale, nothing was said that could offend the most refleed and fastidious lady alive. Justice Ledwith patiently heard the explanations of the accused, but they were not satisfactory or olear enough to him to warrant a dismissal, as he decided to put them under bonds of \$300 each to keep the peace for six months. As here was no one in court at the time to enter into the necessary bonds the accused were remanded to the cells below until such aid should arriv

For some time past Patrick Kerrigan and his wife, Eliza, have lived at No. 14 Mulberry street, but owing to their intemperate habits much trouble ensued between them. Last Tuesday evening, about balf-past seven o'clock, they had a quarrel, during which he seized a lighted kerosene oil lamp from the table and hurled it at her. The lamp reached its intended destination, and the contents scattering upon Mrs. Kerrigan's dress set it on fire. Before the flames could be extinguished she was terribly burned upon her arms, back and body. She was immediately conveyed to the New York hospital and continued to fail till early yesterday morning, when death ensued. Lerrigan was arrested immediately after the occurrence by officer McGrath, of the Sixth precinct, and Justice Hogan committed him to the Tombs to await the result of his wife's injuries.

Coroner Rollins has been notified and will hold an inquest on the body to-day. It is said the parties were alone in the room at the time of the occurrence, for several persons in the adjoining rooms heard them quarrelling.

CELESTIAL PHENOMENA.

FLUSHING, N. Y., Oct. 23, 1808.

FLUSHING, N. Y., Oct. 23, 1898.

To the 20th inst.

Attempted Suicide.—Mary Ann Parker, dwelling at No. 142 Cherry street, yesterday, while suffering from a fit of prostration, through the agency of stimulants, selected from her household effects a blunt table knife and applied it to her throat, looking to a free and rapid transit across the river; but it was so dull that Mary's effort proved abortive. She was taken to Pellevue Hospital.

The Catholic Fairlin the New Tammany Hall for the ladies now holding a fair in Tammany Hall for